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2 bedroom window?

3 A. Yeah.

4 Q. And then what?

5 A. We just keep on playing, and I see he
6 grabs the gun.

7 Q. You saw who who grabbed the gun?

8 A. Eric.

9 Q. You saw Eric grab the gun?

10 A. Yes.

11 Q. Which gun did he grab, the paint ball
12 gun?

13 A. No, the pellet.

14 Q. OK. So everyone saw him grab the
15 gun?

16 A. Yeah.

17 Q. OK. So you and Simon and Taylor --

18 A. I'm Simon.

19 Q. I'm sorry. You and Alex and Taylor
20 see him grab the pellet gun and then what
21 happened?

22 A. I see him by the window because he
23 was shooting people.

24 Q. At the bedroom window?

25 A. Yes. Because he was the only one

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2 with the gun.

3 Q. He was shooting out the bedroom
4 window?

5 A. Yes.

6 Q. OK. Then what happened?

7 A. After he lets off a few shots, he
8 says, "Guys, I gotta go." I guess he gotta go
9 because something bad was happening.

10 Q. So he's now shot a few shots.

11 A. And then he leaves.

12 Q. When he leaves, when he walks out of
13 the bedroom, did he take the gun with him?

14 A. No.

15 Q. He doesn't take the gun with him?

16 A. No.

17 Q. Do you guys get up and walk him to
18 the door?

19 A. Yeah.

20 Q. Who walks him to the door?

21 A. Taylor.

22 Q. Taylor walks him to the door. But
23 you know that he put the gun down at that
24 point?

25 A. Yeah.

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Q. OK. And the time that Taylor leaves to go to the door, how long does it take Taylor to get back?

A. A couple of seconds.

Q. He walks to the door, goodbye, see you later":?

A. Yeah.

Q. OK, and then Eric leaves?

A. Yeah.

Q. Eric was leaving without you guys. Who does he have to walk past?

A. What?

Q. If Eric is leaving the building, all right, who does he have to walk past, who is he walking by?

A. The doorman.

Q. Right. So if the doorman saw him leave, he was leaving by himself?

A. Yes, sir.

Q. So the doorman did see him leave by himself?

A. Taylor and I left the same time and Eric left.

Q. Taylor and Alex left at the same

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2 time?

3 A. First Eric left.

4 Q. Eric leaves. What time was that,
5 about, do you know?

6 A. Like maybe ten or twenty minutes
7 after I got upstairs.

8 Q. You got upstairs about 3:30?

9 A. Yeah.

10 Q. So about fifteen or so minutes later
11 you are saying that Eric left. Then what
12 happens? After Eric left, what do you guys do?
13 Do you continue playing the video game?

14 A. Yeah.

15 Q. Who?

16 A. Me and Alex and Taylor.

17 Q. Three. Three of you playing the
18 video game. All right, then what happens?

19 A. Then I guess my father heard
20 something bad was happening, and he came up the
21 back elevator and he came and got me.

22 Q. You took the back elevator?

23 A. Yeah.

24 Q. About how long after Eric leaves does
25 your Dad come up?

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A. I'm not sure, I wasn't looking at the time. He just came up and got me.

Q. Was it immediately after Eric left?

A. Maybe a half hour.

Q. So you are saying maybe around quarter after 4, 4:30-ish. Let me ask you a question. When you were playing the video games, did you see anything going on across the street?

A. No.

Q. You didn't notice anything going on?

A. I didn't look outside the window.

Q. You didn't look outside the window, you didn't notice that there was a police car there, an ambulance there?

A. No.

Q. You were totally unaware?

A. Yes.

Q. When your Dad comes upstairs and knocks on the door, what happens? Well, did he knock on the door, ring the bell?

A. He knocked on the door.

Q. He knocks on the door. What did he say?

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2 A. "Come downstairs. Something bad is
3 happening."

4 Q. Do you know what he said? What did
5 he tell you?

6 A. "Come downstairs."

7 Q. That's all he told you? Did he say
8 anything else?

9 A. I went down with him on the service
10 elevator.

11 Q. You went down with your Dad on the
12 service elevator, not on the main elevator?

13 A. No.

14 Q. The service elevator, not the main
15 elevator?

16 A. My Dad?

17 Q. He normally uses the service
18 elevator?

19 A. Yeah.

20 Q. Does he ask you what happened? Does
21 your Dad ask you what happened?

22 A. I guess he must have seen the cop car
23 or something, and he must have known that they
24 were doing something bad.

25 Q. That who was doing something bad?

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2 A. Us.

3 Q. How would he know that?

4 A. Because that I guess that I was going
5 to lie about stuff before.

6 Q. How does your Dad, who has been
7 living in New York for 30 years?

8 A. Well, whatever goes wrong, they
9 always blame it on Alex.

10 Q. Like what?

11 A. Anything that happens.

12 Q. Give me an example.

13 A. Like in the lobby.

14 Q. Yeah.

15 A. They went straight to Alex and said
16 he did it without any proof or anything.

17 Q. Do you think he did it or you don't
18 think he did it?

19 A. I wouldn't know.

20 Q. Did you ever ask him?

21 A. No, I don't care. If it's not me, I
22 would really care.

23 Q. You wouldn't care whether, so if he
24 did it you wouldn't care if he did it, it's
25 none of your business?

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A. None of my business.

Q. OK. What else?

A. What else what?

Q. What else did he allegedly do?

A. A lot of things.

Q. Like what? You know you want to tell me, that's why you are smiling, so why don't you tell me. I probably know every single one of them. You know every single one of them. And you are not helping yourself by not telling me, you are not helping your Dad by not telling me.

A. The broken lightbulbs and everything.

Q. The broken lightbulbs where?

A. In the basement.

Q. What about lockers?

A. That also.

Q. What about the lockers?

A. They said he broke them.

Q. OK. And you don't know whether he did or didn't, he never told you he did it or didn't?

A. . No.

Q. You guys never discussed it?

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2 A. Never.

3 Q. What else?

4 A. I guess someone wrote something.

5 Q. Do you know about that?

6 A. Just that someone wrote something.

7 Q. You got blamed for that? Your

8 brother? Did Alex get blamed for that?

9 A. I'm not sure.

10 Q. How do you know about it?

11 A. Because my father told us.

12 Q. What did he tell you?

13 A. That someone was messing around with

14 the book.

15 Q. You told your Dad that you know

16 nothing about this?

17 A. Yeah.

18 Q. All right. So now your Dad thinks --

19 let's go back to that day -- your Dad thinks

20 you go straight home?

21 A. Yeah.

22 Q. OK. Then what happens?

23 A. The police come and knocks on my

24 door.

25 Q. By the time you got home until the

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2 police knock on your door, about how much time
3 went by?

4 A. About like an hour.

5 Q. About an hour later. The police got
6 there, knocked on the door. What did they say
7 to you?

8 A. They knocked on the door, and I think
9 my sister answers it.

10 Q. Your sister answers the door. Yeah.
11 What happens?

12 A. "Can we see Simon?"

13 Q. Right.

14 A. I heard it and I stepped out.

15 Q. Yeah. And what did they say to you?

16 A. "Were you the third kid that was
17 upstairs?"

18 Q. Yeah. And to which you responded?

19 A. I said there was four kids.

20 Q. OK.

21 A. "OK, come with us."

22 Q. OK.

23 A. So I went with them.

24 Q. Where?

25 A. Outside in front of the building.

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2 Q. Right.

3 A. Then they took us down to the
4 station.

5 Q. They handcuffed you?

6 A. Yes.

7 Q. OK. Did they read you your rights?

8 A. Yes.

9 Q. So they arrested you?

10 A. Yes.

11 Q. Have you ever been arrested before?

12 A. Yes.

13 Q. What were you arrested for? When
14 were you arrested before?

15 A. Me and Alex, we got arrested before.

16 Q. For what?

17 A. Stealing the mail or something like
18 that.

19 Q. From the mail truck?

20 A. Yeah.

21 Q. OK. So that was how long ago?

22 A. I would say --

23 Q. A year ago?

24 A. No, no.

25 Q. Less?

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A. Longer.

Q. Longer? About three years ago?

A. Yeah.

Q. OK. You went onto the mail truck?

A. Yeah.

Q. Alex went onto the mail truck?

A. Yeah.

Q. And what did he take?

A. Mail.

Q. Regular, ordinary mail?

A. Yeah.

Q. Why would Alex want to take regular, ordinary mail? What's interesting about regular, ordinary mail? Was he expecting something, a package or something?

A. I'm not sure. I just went with him to the park.

Q. You went with him to the park and what happened?

A. There was a mail truck there.

Q. And what happened?

A. He just went in and took the mail.

Q. And where did he go with it? Where did he take it?

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2 A. Down by Riverside Park.

3 Q. Right. Did he start going through
4 it?

5 A. After he took it, the lady saw him.

6 Q. Right.

7 A. And then we started running.

8 Q. And the police caught you, OK. So
9 you were arrested for the mail truck incident.
10 Have you ever been arrested before?

11 A. No.

12 Q. Have you ever been approached
13 otherwise?

14 A. No.

15 Q. Has Alex ever been arrested for
16 anything else?

17 A. I don't think so.

18 Q. Has the police ever questioned Alex
19 about anything?

20 A. Yes.

21 Q. What did they question him about?

22 A. About the knife incident.

23 Q. What knife incident?

24 A. With the doorman, he pulled a knife
25 on him or something.

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2 Q. Right. So you know about that.

3 Anything else? How do you know about that?

4 How do you know about that? Who told you about
5 it?

6 A. Alex.

7 Q. So Alex told you about that?

8 A. Said it was a lie.

9 Q. OK, all right. So now the police
10 arrest you and they take you down to the police
11 station. Who else was arrested?

12 A. Me, Taylor and Alex.

13 Q. OK. What did you tell the police?

14 A. That I didn't do anything.

15 Q. Right. And what did the police say?

16 A. You were with them.

17 Q. Right. And what else?

18 A. That's pretty much it. It took us.

19 Q. Were you held overnight?

20 A. Yes.

21 Q. Did you go down to Central Booking?

22 A. Yes.

23 Q. OK. So they took you down to Central
24 Booking and what were you charged with?

25 A. I wasn't charged with -- I got out

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2 the next morning. They said they couldn't
3 identify the shooter or something, so they
4 said, "You guys are free."

5 Q. So they couldn't identify who
6 actually pulled the trigger?

7 A. Yeah.

8 Q. What did you tell the cops, though?

9 A. I told them that this kid Eric
10 started shooting and then he just left.

11 Q. OK. And you told the cops that he
12 was in the same room with you guys?

13 A. Yeah.

14 Q. Did you tell them it was a different
15 room?

16 A. Same room.

17 Q. You told the cops that you were in
18 the same room. OK, let me ask you a question.

19 A. Sure.

20 Q. When you got out, did they also let
21 Alex out at the same time?

22 A. I think he went right before me.

23 Q. He went before you. And what about
24 Taylor?

25 A. He went with me. It took us both at